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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Hussein S. Hussein, an individual,

Plaintiff,

v.

Nevada System of Higher Education, et
al.,

Defendant.

3:04-CV-0455-JCM (GWF)-BASE
3:05-CV-0076-JCM (GWF)-MEMBER

Date: N/A

Time: N/A

ORDER

Presently before the court is defendants' emergency motion for reconsideration of and to vacate Docket No. 582 (Doc. # 583).

On April 25, 2008, the court granted plaintiff's motion for leave to file an action for injunctive relief. (*See* Doc. # 582). The court's order noted that it granted plaintiff's motion for the "**limited purpose** of seeking injunctive relief for his termination." (*Id.*, at 1:24–25).

Defendants request reconsideration of the court's order, arguing that (1) "Hussein was terminated on April 11, 2008[,]" (2) plaintiff has not exhausted his administrative remedies, and (3) the proposed *Hussein 14* is a further effort to piecemeal plaintiff's litigation against Nevada System of Higher Education ("NSHE"). (*See* Doc. # 583, at 2:13–22).

The court concludes that defendants' arguments with respect to mootness and exhaustion do

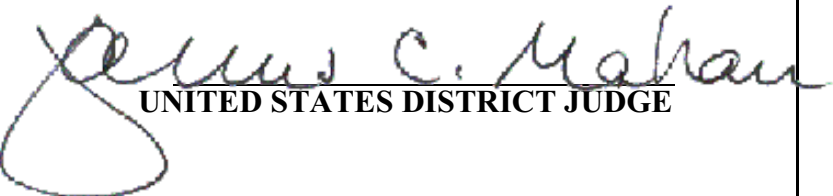
1 not provide a basis for reconsideration. Whether the state court has jurisdiction to hear plaintiff's
2 action for injunctive relief is an issue for the state court to consider. These jurisdictional issues are
3 wholly distinct from the court's injunction (Doc. # 408), prohibiting plaintiff from suing witnesses
4 or relitigating the factual and legal issues in this case.

5 The court also concludes that defendants' argument that *Hussein 14* is another effort by
6 plaintiff to piecemeal this litigation does not provide a basis for reconsideration. Whether plaintiff
7 was deprived of his right to a fair administrative proceeding is an issue for him to pursue in the state
8 appellate courts. (*See* Doc. # 550, at 3:4-7). Thus, the court finds plaintiff's request to file *Hussein*
9 *14* reasonable and not a disingenuous attempt to circumvent the court's injunction.

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11 UPON CONSIDERATION of defendants' motion, the memorandum of points and
12 authorities, and the papers and pleadings on file in this matter,

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14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' emergency
15 motion for reconsideration of and to vacate Docket No. 582 (Doc. # 583) be, and the same hereby
16 is, DENIED.

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18 DATED April 28th, 2008.

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21 UNITED STATES DISTRICT JUDGE
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